T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			06/24/08	APPL. S. N:	10767077			
To Exan	niner:	,	ZHAO, DAQUAN	Art Unit	2621			
From			HENRY JEFFERSON PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	2D68			
SUBJEC	CT: Decisi	on on Ter	minal Disclaimer(T.D.) filed:	•				
form pa or have	ragraphs any ques	identified tions, ple	viewed the submitted T.D. with the by this informal memo in your nex ase see me or the Special Program ED TO APPLICANT OR (2) PLACED (ct Office action to notify applicant of Examiner. THIS IS AN INFORMAL	of the T.D. If you disagree			
please i	nitial, dat	e and retu	urn this memo to me. THANK YOU.					
区	The T.D	. is PROP	ER and has been recorded (see 14.	23).				
匚	The T.D	. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):						
The TD fee of has not been submitted nor is there any authorization in the application file use of a deposit account								
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).						
	П	The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).						
	<u> </u>	The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a termina portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).						
		The per	son who signed the T.D.:		•			
			is not an attorney "of record" (se	e 14.29 and 14.29.01).	•			
		匚	has failed to state his/her capacit	cy to sign for the business entity (s	see 14.28).			
			is not recognized as an officer of	the assignee (see 14.29 & possible	e 14.29.02).			
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).						
		The T.D. is not signed (see 14.26 & 14.26.03).						
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).						
			al number of this application (or the		or reissue cases being			
		The peri	iod disclaimed is incorrect or not sp	pecified (see 14.26, 14.27.02 or 14	4.26.03).			
		Other:		•				
			cion to request refund (see 14.36). not check this item.	NOTE: If already authorized, cred	it refund to deposit account.			
have a	ppropriat	ely notifie	ed applicant(s) of the status of the	Terminal Disclaimer filed in this ca	ase.			
Ex.Initials:			_ Date:	•	Log Date:			
		•						

Application Number	Application/Control No.		Applicant(s)/Patent under Reexamination FANAKA ET AL						
Document Code - DISQ	Internal Doc		ocument – DC	cument – DO NOT MAIL					
TERMINAL DISCLAIMER	⊠ APPROVED		☐ DISAPPROVED						
Date Filed : June 17, 2008	This patent is subject to a Terminal Disclaimer								
Approved/Disapproved by:									
Henry D. Jefferson									

U.S. Patent and Trademark Office



TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional) 0102/0237

In re Application of: Yoshiaki TANAKA et al.

Application No.

10/767.077

Filed:

January 30, 2004

For:

RECORDING MEDIUM AND SIGNAL PROCESSING APPARATUS

The owner, VICTOR COMPANY OF JAPAN, LTD., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer, of prior Patent Nos. 6636474, 6810003, 6980501, 7006422, 7254103, 7260045 and 7382700. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that the prior patents later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

Check either box 1 or 2 below, if appropriate.

1.

For submissions on behalf of an organization (e.g., corporation, partnership, university, Government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record. Reg. No. 31, 730

Signature

Date

Louis Woo

Typed or printed name

U6/18/2008 AUDHDAF1 00000056 10767077

☑ Terminal disclaimer fee under 37 CFR 1 .20(d) is included.

82 FC:1814

138.00 OP

Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.



TERMINAL DISCLAIMER TO OBVIAGE A DOUBLE PATENTING REJECTION OVER A PENDING "REPERSION APPLICATION

Docket Number (Optional) 0102/0237

In re Application of: Yoshiaki TANAKA et al.

Application No.

10/767,077

Filed:

January 30, 2004

For:

RECORDING MEDIUM AND SIGNAL PROCESSING APPARATUS

The owner*, VICTOR COMPANY OF JAPAN, LTD., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Numbers 10/648,476 and 10/648,481, filed on August 27, 2003, as such term defined in 35 U.S.C. 154 and 173, and as the term of any patent are the pending reference applications. The guest basely agreed that any patent are the pending reference applications. The guest basely agreed that any patent are granted as the the grant of any patent on the pending reference applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference applications, "as the term of any patent granted on said reference applications may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference applications: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent privation, is statutorily disclaimed invalid by a court of competent privation is attained in the pending reference application is attained in the pending reference application is attained in the pending reference application in the event that: under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.
☐ The undersigned is an attorney of record. Reg. No. 31,730

Sionature

Louis Woo
Typed or printed name

86/18/2008 ANONDAF1 08980956 19767077

01 FC:1814

130.00 OP

Terminal disclaimer fee under 37 CFR 1 .20(d) is included.

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In re Application of:

Yoshiaki TANAKA et al.

Serial No. 10/767,077

Filed: January 30, 2004

For: RECORDING MEDIUM AND

SIGNAL PROCESSING

APPARATUS

Art Unit: 2621

Examiner: Zhao, Daquan

Atty Docket: 0102/0237

SUBMISSION OF TERMINAL DISCLAIMERS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Attached hereto are two Terminal Disclaimers in connection with the above-identified application.

Also attached is form PTO-2038 authorizing payment in the amount of \$ 260.00 fee for the Terminal Disclaimers. The Commissioner is hereby authorized to debit insufficient fees from Deposit Account No. 50-0501. A duplicate copy of this authorization is further attached hereto.

Respectfully submitted,

Louis Woo, Reg. No. 31,730 Law Offices of Louis Woo 717 North Fayette Street

Alexandria, Virginia 22314

Phone: (703) 299-4090

Data:

June 17, 2008

In re Application of:

Yoshiaki TANAKA et al.

Serial No. 10/767,077

Filed: January 30, 2004

For: RECORDING MEDIUM AND

SIGNAL PROCESSING

APPARATUS

Art Unit: 2621

Examiner: Zhao, Daquan

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Date:

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